

THE
SPEECH

OR
DECLARATION

OF
JOHN PYM, Esquire:

After the Recapitulation or summing
up of the Charge of *High-Treason*,

AGAINST

THOMAS,

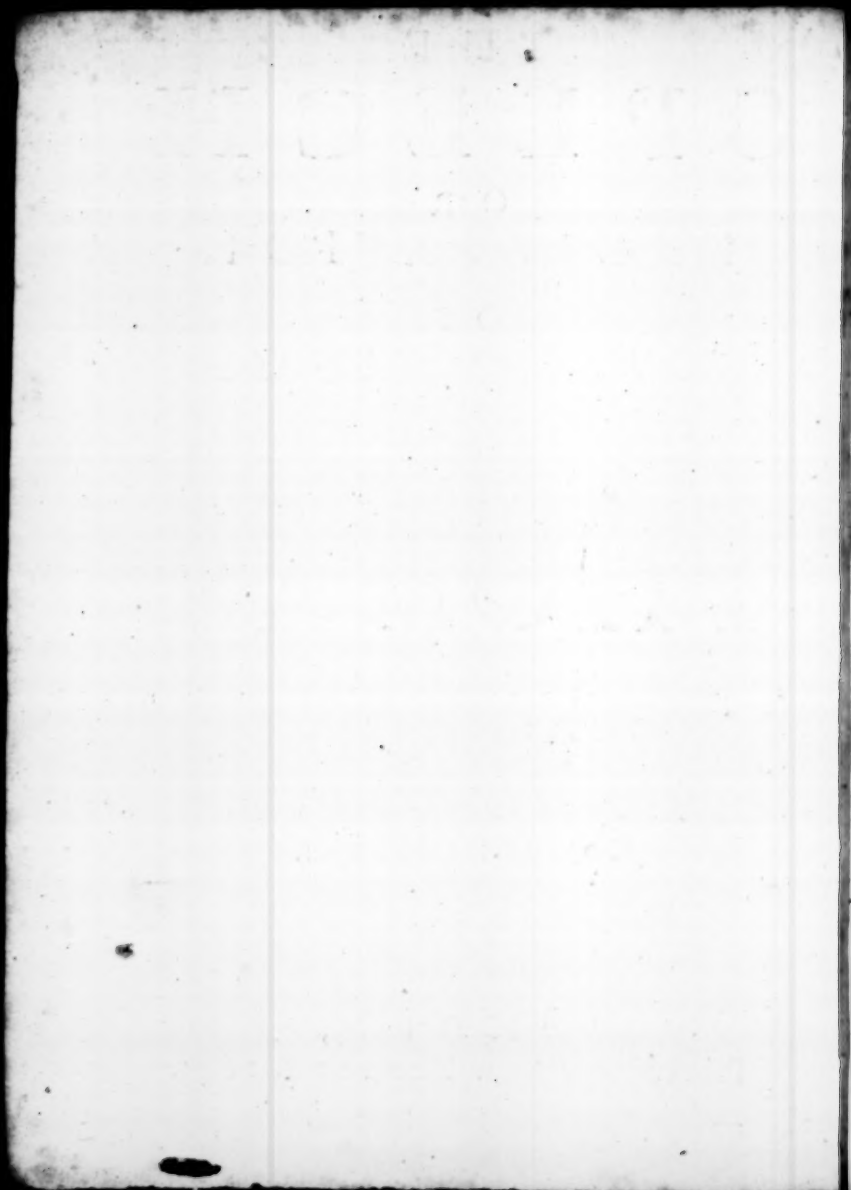
EARLE OF STRAFFORD,

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THE
S P E E C H
OR
DECLARATION
OF
JOHN PYM, Esq: &c.

MY LORDS,

MAny dayes have been spent in maintenance of the Impeachment of the *Earle of Strafford*, by the *House of Commons*, whereby he stands charged with *High Treason*: And your *Lordships* have heard his *Defence* with *Patience*, and with as much favour as *Iustice* would allow: We have passed through our
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Evidence, and the Result of all this is, that it remaines clearly proved, That the Earle of Strafford hath indeavoured by his words, actions, and counsels, to subvert the Fundamentall Lawes of England and Ireland, and to introduce an Arbitrary and Tyrannicall Government.

This is the *envenomed Arrow* for which he inquired in the beginning of his *Replication* this day, which hath infected all his *Bloud*: This is that *Intoxicating Cup*, (to use his owne Metaphor) which hath tainted his *Iudgement*, and poisoned his *Heart*: From hence was infused that *Specificall Difference* which turned his *Speeches*, his *Actions*, his *Counsels* into *Treason*; Not *Cumulative*, as he exprest it, as if many *Misdemeanours* could make one *Treason*; but *Formally* and *Essentially*. It is the *End* that doth informe *Actions*, and doth *specificate* the nature of them, making not onely *criminall*, but even *indifferent words* and *actions* to be *Treason*, being done and spoken with a *Treasonable intention*.

That which is given me in charge, is, to
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shew the *quality* of the offence, how *hainous* it is in the *nature*, how *mischievous* in the effect of it; which will best appeare if it be examined by that *Law*, to which he himselfe appealed, that *universall*, that *supreme Law*, *Salus populi*: This is the *Element* of all *Laws*, out of which they are derived; the *End* of all *Laws*, to which they are designed, and in which they are perfected. How far it stands in opposition to this *Law*, I shall endeavour to shew in some *Considerations* which I shal present to your Lordships, all arising out of the *Evidence* which hath been opened.

The first is this: It is an offence comprehending all other offences; here you shall finde severall *Treasons*, *Murders*, *Rapines*, *Oppressions*, *Perjuries*. I.

The *Earth* hath a *Seminarie* vertue, whereby it doth produce all *Haarbs*, and *Plants*, and other *Vegetables*: There is in this *Crime*, a *Seminarie* of all evils hurtfull to a *State*; and if you consider the *reasons* of it, it must needs be so: The *Law* is that which puts a difference

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betwixt good and evil, betwixt just and unjust ; If you take away the *Law*, all things will fall into a confusion, every man will become a *Law* to himselfe, which in the depraved condition of humane nature, must needs produce many great enormities : *Lust* will become a *Law*, and *Envie* will become a *Law*, *Covetousnesse* and *Ambition* will become *Lawes* ; and what dictates, what decisions such *Laws* will produce, may easily be discerned in the late Government of Ireland : The *Law* hath a power to prevent, to restraine, to repaire evils ; without this all kind of mischiefs and distempers will break in upon a State.

It is the *Law* that doth intitle the King to the *Allegeance* and service of his people ; it intitles the people to the protection and justice of the King. It is God alone who subsists by himselfe, all other things subsist in a mutuall dependence and relation. He was a wise man that said, that the King subsisted by the field that is tilled : It is the labour of the people that supports the *Crowne* : If you take away the protection of the King, the vigour and cheerfulness of *Allegeance* will be taken away, though the *Obligation* remaine.

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The Law is the *Boundarie*, the *Measure* betwixt the *Kings Prerogative*, and the *Peoples Liberty*: Whiles these move in their owne *Orbe*, they are a *support* and *security* to one another; The *Prerogative* a *cover* and *defence* to the *Liberty* of the *people*, and the *people* by their *liberty* are enabled to be a *foundation* to the *Prerogative*; but if these *bounds* be so removed, that they enter into *contestation* and *conflict*, one of these *mischiefs* must needs ensue: If the *Prerogative* of the *King* overwhelm the *liberty* of the *people*, it will be turned into *Tyrannie*; if *liberty* undermine the *Prerogative*, it will grow into *Anarchie*.

The Law is the *safeguard*, the *custody* of all *private interest*: Your *Honours*, your *Lives*, your *Liberties* and *Estates* are all in the *keeping* of the *Law*; without this, every man hath a like *right* to any thing, and this is the *condition* into which the *Irish* were brought by the *E. of Strafford*: And the *reason* which he gave for it, hath more *mischiefe* in it then the thing it selfe, *They were a Conquered Nation*. There cannot be a word more *pregnant*, and *fruitfull*
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in *Treason*, then that word is : There are few *Nations* in the world that have not been *conquered*; and no doubt but the *Conquerour* may give what *Lawes* he please to those that are *conquered* : But if the *succeeding Paëts* and *Agreements* doe not limit and restraine that *Right*, what people can be secure ? *England* hath been *conquered*, and *Wales* hath been *conquered*, and by this reason will be in little better case then *Ireland*. If the *King* by the *Right* of a *Conquerour* gives *Lawes* to his *People*, shall not the people by the same reason be restored to the *Right* of the *conquered*, to recover their liberty if they can ? What can be more hurtfull, more pernicious to both, then such *Propositions* as these ? And in these particulars is determined the first *Consideration*.

2. The second *Consideration* is this : This *Arbitrary power* is dangerous to the *Kings Person*, and dangerous to his *Crown* : It is apt to cherish *Ambition*, *usurpation*, and *oppression* in great men, and to beget *sedition* and *discontent* in the *People*; and both these have beene, and in reason must ever be causes of great trouble and
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alteration to Princes and States.

If the *Histories* of those *Easterne Countries* be perused, where *Princes* order their affaires according to the *mischievous principles* of the *B. of Strafford*, loose and absolved from all *Rules of Government*, they will be found to be frequent in *combustions*, full of *Massacres*, and of the *tragicall ends* of *Princes*. If any man shall look into our owne *Stories*, in the times when the *Laws* were most neglected, he shall find them full of *Commutations*, of *Civill distempers*; whereby the *Kings* that then reigned, were alwayes kept in want and *distresse*; the people consumed with *Civill wars*: and by such wicked *counsels* as these, some of our *Princes* have beene brought to such miserable ends, as no honest heart can remember without *horroure*, and earnest *Prayer*, that it may never be so againe.

The third *Consideration* is this, The *subversion* of the *Lawes*; And this *Arbitrary power*, as it is dangerous to the *Kings Person* and to his *Crowne*, so is it in other respects very prejudiciall

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to his Majesty in his *Honour*, *Profit*, and *Greatnesse*; and yet these are the *gildings* and *paintings* that are put upon such *counsels*; These are for your *Honour*, for your *service*; whereas in truth they are contrary to both: But if I shall take off this *varnish*, I hope they shall then appeare in their owne *native deformity*, and therefore I desire to consider them by these *Rules*.

It cannot be for the *Honour* of a *King*, that his *sacred Authority* should be used in the practise of *injustice* and *oppression*; that his *Name* should be applyed to *patronize* such *horrid crimes*, as have beene represented in *Evidence* against the *Earle of Strafford*; and yet how frequently, how *presumptuously* his *Commands*, his *Letters* have been vouched throughout the course of this *Defence*, your *Lordships* have heard. When the *Iudges* doe *justice*, it is the *Kings justice*, and this is for his *honour*, because he is the *Fountaine of justice*; but when they doe *injustice*, the offence is their owne: But those *Officers* and *Ministers* of the *King*, who are most officious in the exercise of this

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Arbitrarie power, they doe it commonly for their advantage; and when they are questioned for it, then they fly to the *Kings interest*, to his *Direction*: And truly my Lords, this is a very unequall *distribution* for the King, that the *dishonour* of evill *courses* should be cast upon him, and they to have the advantage.

The *prejudice* which it brings to him in regard of his *profit*, is no lesse apparent: It deprives him of the most beneficiall, and most certaine *Revenue* of his *Crowne*, that is, the *voluntary aids* and *supplies* of his *people*; his other *Revenues*, consisting of goodly *Demeanes*, and great *Manors*, have by *Grants* been alienated from the *Crowne*, and are now exceedingly *diminished* and *impaired*: But this *Revenue* it cannot be *sold*, it cannot be *burdned* with any *Pensions* or *Annuities*, but comes intirely to the *Crowne*. It is now almost fiftene years since his Majesty had any assistance from his *people*; and these illegall wayes of supplying the King were never prest with more *violence*, and *art*, then they have been in this time; and yet I may upon very good *grounds* affirm, that

in the last fifteene years of *Queen Elizabeth*, she received more by the *Bounty and Affection* of her *Subjects*, then hath come to His *Majesties Coffers* by all the *inordinate and rigorous courses* which have beene taken. And as those *Supplies* were more beneficiall in the *Receipt* of them, so were they like in the *use and imployment* of them.

Another way of *prejudice* to his *Majesties profit*, is this: Such *Arbitrary courses* exhaust the people, and disable them, when there shall be occasion, to give such plentifull *supplies*, as otherwise they would doe. I shall need no other prooffe of this, then the *Irish Government* under my *L. of Strafford*, where the *wealth* of the *Kingdome* is so consumed by those horrible *exactions and burdens*, that it is thought the *Subsidies* lately granted will amount to little more then halfe the *proportion* of the last *Subsidies*. The two former wayes are hurtfull to the *Kings profit*, in that respect which they call *Lucrum Cessans*, by diminishing his receipts; But there is a third, fuller of *mischiefe*, and it is in that respect which they call
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Dammum emergens, by increasing his *Disbursements*: Such *irregular* and *exorbitant* attempts upon the *Libertie* of the *people*, are apt to produce such *miserable distractions* and *distemperers*, as will put the *King* and *Kingdome* to such *vast expences* and *losses* in a short time, as will not be recovered in many yeares: Wee need not goe farre to seeke a prooffe of this, thesetwo last yeares will be a sufficient evidence, within which time I assure my selfe, it may be proved, that more *Treasure* hath beene wasted, more losse sustained by his *Majesty* and his *Subjects*, then was spent by *Queene Elizabeth* in all the War of *Tyrone*, and in those many brave *Attempts* against the *King of Spaine*, and the royall assistance which she gave to *France*, and the *Low-Countries*, during all her *Reigne*.

As for *Greatnesse*, this *Arbitrary power* is apt to hinder and impaire it, not onely at home, but abroad. A *Kingdome* is a *society* of men conjoynd under one *Government*, for the *common good*: The *world* is a *society* of *Kingdomes* and *States*. The *Kings greatnesse*

consists not onely in his *Dominion* over his *Subjects* at home, but in the *influence* which he hath upon *States* abroad ; That he should be great even among *Kings*, and by his *wisdome* and *authority* so to incline and dispose the affaires of other *States* and *Nations*, and those great *events* which fall out in the *world*, as shall be for the good of *Mankind*, and for the peculiar *advantage* of his owne people. This is the most *glorious*, and *magnificent greatness*, to be able to relieve *distressed Princes*, to support his owne *friends* and *Allies*, to prevent the *ambitious designs* of other *Kings*; and how much this Kingdome hath been impaired in this kinde, by the late *mischievous counsels* your Lordships best know, who at a neerer distance, and with a more cleare sight, doe apprehend these publique and great affaires, then I can doe. Yet thus much I dare boldly say, that if his *Majestie* had not with great *wisdome* and *goodness* forsaken that way wherein the *Earle of Strafford* had put him, we should within a short time have been brought into that *miserable condition*, as to have been uselesse to our *friends*, contemptible

temptible to our *enemies*, and incapable of undertaking any great *designe* either at home or abroad.

A fourth Consideration is, That this Arbitrary, and Tyrannicall Power, which the *E. of Strafford* did exercise in his own person, and to which he did advise his Majesty, is inconsistent with the Peace, the Wealth, the Prosperity of a Nation; It is destructive to Justice, the Mother of Peace; to Industry, the spring of Wealth; to Valour, which is the active vertue whereby the prosperity of a Nation can onely be procured, confirmed, and enlarged.

It is not only apt to take away Peace, and so intangle the Nation with Warres, but doth corrupt Peace, and puts such a malignity into it, as produceth the Effects of warre. We need seek no other prooffe of this, but the *E. of Straffords* Government, where the *Irish*, both Nobility and others, had as little security of their *Persons* or *Estates* in this peaceable time, as if the *Kingdome* had been under the rage and fury of warre.

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And as for *Industrie*, and *Valour*, who will take pains for that, which when he hath gotten, is not his own? Or who fight for that wherein he hath no other *interest*, but such as is subject to the will of another? The *Ancient encouragement* to men that were to defend their *Countries* was this, That they were to hazard their *Persons*, *pro Aris & Focis*, for their *Religion*, and for their *Houses*; But by this *Arbitrary* way which was practised in *Ireland*, and counselled here, no man had any *certainty*, either of *Religion*, or of his *House*, or any thing else to be his own; But besides this, such *Arbitrary* courses have an ill operation upon the *courage* of a Nation, by embasing the *hearts* of the *people*: A *servile condition* doth for the most part beget in men a *slavish temper and disposition*. Those that live so much under the *Whip* and the *Pillory*, and such *servile Engines*, as were frequently used by the *E. of Strafford*, they may have the dregges of *valour*, *sullenness*, & *stubbornness*, which may make them prone to *Mutinies*, and *discontents*; but those *Noble* and *gallant affections*, which put men on *brave Designs* and *Attempts* for the

the preservation or enlargement of a Kingdome, they are hardly capable of. Shall it be *Treason* to embase the Kings Coyne, though but a piece of twelve-pence, or sixe-pence, and must it not needs be the effect of a greater *Treason*, to embase the spirits of his Subjects, and to set a stamp and Character of servitude upon them, whereby they shall be disabled to doe any thing for the service of the King or Common-wealth?

The fift Consideration is this, That the exercise of this Arbitrary Government, in times of sudden danger, by the invasion of an enemy, will disable his Majesty to preserve himselfe and his Subjects from that danger. This is the onely pretence by which the E. of Strafford, and such other mischievous Counsellors would induce his Majesty to make use of it; and if it be unfit for such an occasion, I know nothing that can be alledged in maintenance of it.

When warre threatens a Kingdome by the coming of a forrain Enemy, it is no time then to discontent the people, to make them weary of the present Government, and more inclinable

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to a *Change*; The *supplies* which are to come in this way, will be *unready, uncertain*; there can be no *assurance* of them, no *dependence* upon them, either for *time* or *proportion*: And if some money be gotten in such a way, the *Distractions, Divisions, Distempers*, which this course is apt to produce, will be more *prejudicial* to the *publique safety*, then the *supply* can be *advantageous* to it; and of this we have had *sufficient experience* the last Summer.

6. The sixth, That this *crime* of *subverting* the *Laws*, and *introducing* an *Arbitrary* and *Tyrannicall* Government, is *contrary* to the *Pact* and *Covenant* betwixt the *King* and his *people*. That which was spoken of before, was the *legall union* of *Allegiance* and *Protection*; this is a *personall union* by *mutuall agreement* and *stipulation*, confirmed by *oath* on both *sides*: The *King* and his *people* are *obliged* to one another in the *nearest relations*; He is a *Father*, and a *childe* is called in *Law*, *Pars Patris*: Hee is the *Husband* of the *Commonwealth*, they have the *same interests*, they are *inseparable* in their *condition*, be it *good* or *evil*; He is the
Head,

Head, they are the Body; there is such an incorporation as cannot be dissolved without the destruction of both.

When *Iustice Thorpe*, in *Edw. the thirds time*, was by the *Parliament* condemned to death for *Bribery*, the reason of that Judgement is given, because he had broken the *Kings Oath*, not that he had broken his own oath, but that he had broken the *Kings oath*, that *solemne and great obligation*, which is the *security of the whole Kingdome*: If for a Judge to take a small summe in a private cause, was adjudged *Capital*, how much greater was this offence, whereby the *E. of Strafford* hath broken the *Kings Oath* in the whole course of his *Govern- ment in Ireland*, to the prejudice of so many of his *Majesties Subjects*, in their *Lives, Liberties, and Estates*, and to the danger of all the rest?

The *Doctrine of the Papists, Fides non est servanda cum Hæreticis*, is an *abominable Doctrine*: yet that other Tenet more peculiar to the *Iesu- ites* is more pernicious, whereby *Subjects* are discharged from their *Oath of Allegiance* to

their *Prince* whensoever the *Pope* pleaseth; This may be added to make the *third* no lesse *mischievous*, and *destructive* to *humane society*, then either of the rest; That the *King* is not bound by that *Oath* which he hath taken to observe the *Laws* of the *Kingdome*, but may when he sees *cause*, lay *Taxes* and *burdens* upon them without their *consent*, contrary to the *Laws* and *Liberties* of the *Kingdome*. This hath been *preached* and *published* by divers; And this is that which hath been *practised* in *Ireland* by the *E. of Strafford*, in his *Government there*, and indeavoured to be brought into *England*, by his *Counsell here*.

7. The seventh is this; It is an *offence* that is contrary to the *end* of *Government*; The *end* of *Government* was to prevent *oppressions*, to limit and restrain the excessive power and violence of *great men*, to open the passages of *Iustice* with *indifferency* towards all; This *Arbitrary* power is apt to induce and incourage all kind of *insolencies*.

Another *end* of *Government* is to *preserve* men in their *estates*, to *secure* them in their
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Lives and Liberties; but if this *Designe* had taken effect, and could have been *settled* in *England*, as it was *practised* in *Ireland*, no man would have had more certainty in his own, then power would have allowed him: But these two have been spoken of before, there are two behind more *important*, which have not yet been touched.

It is the *end* of *Government*, that *vertue* should be *cherisht*, *vice* *supprest*; but where this *Arbitrary* and *unlimited* power is set up, a way is open not onely for the *security*, but for the *advancement* and *incouragement* of *evill*; Such men as are aptest for the execution and maintenance of this Power, are onely capable of preferment; and others who will not be *instruments* of any *unjust* commands, who make a *conscience* to doe nothing against the *Laws* of the *Kingdome*, and *Liberties* of the *Subject*; are not onely not *passable* for *employment*, but *subject* to much *jealousie* and *danger*.

It is the *end* of *Government*, that all *accidents* and *events*, all *Counsels* and *Designes* should be improved to the *publique* good: But this *Arbi-*

trary Power is apt to dispose all to the maintenance of itself. The wisdom of the Councell-Table, the Authority of the Courts of Justice, the industry of all the Officers of the Crown have been most carefully exercised in this; the Learning of our Divines, the Jurisdiction of our Bishops have been moulded and disposed to the same effect, which though it were begun before the E. of Straffords Employment, yet it hath been exceedingly furthered and advanced by him.

Under this colour and pretence of maintaining the Kings Power and Prerogative many dangerous practises against the peace and safety of this Kingdome have been undertaken and promoted. The increase of Popery, and the favours and encouragement of Papists have been, and still are a great grievance and danger to the Kingdome: The Innovations in matters of Religion, the usurpations of the Clergie, the manifold burdens and taxations upon the people, have been a great cause of our present distempers and disorders; and yet those who have been chiefe Furtherers and Actors of such

such Mischiefes, have had their Credit and Authority from this, That they were forward to *maintain* this Power. The E. of *Strafford* had the first rise of his greatnesse from this, and in his *Apologie* and *Defence*, as your *Lordships* have heard, this hath had a maine part.

The *Royall Power*, and *Majesty* of *Kings*, is most glorious in the *prosperity* and *happinesse* of the people; The perfection of all things consists in the *end* for which they were ordained, *God* onely is his own *end*, all other *things* have a further *end* beyond *themselves*, in attaining whereof their own *happinesse* consists: If the *means* and the *end* be set in *opposition* to one another, it must needs *cause* an *impotency* and *defect* of both.

The eight *Consideration* is, The *vanity* and *absurdity* of those *excuses* and *justifications* which he made for himself, whereof divers *particulars* have been mentioned in the *course* of his *Defence*.

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1. That he is a *Counsellor*, and might not be *questioned* for any thing which he advised according to his *conscience*; The ground is *true*, there is a *liberty* belongs to *Counsellors*, and nothing corrupts Counsels more then *fear*; He that will have the priviledge of a *Counsellor*, must keep within the just bounds of a *Counsellor*; those *matters* are the proper *subjects* of *Counsell*, which in their times and occasions, may be good or beneficiall to the *King* or *Common-wealth*; But such *Treasons* as these, the *subversion* of the *Laws*, *violation* of *Liberties*, they can never be good, or justifiable by any *circumstance*, or *occasion*; and therefore his being a *Counsellor*, makes his fault much more hainous, as being committed against a greater *Trust*, and in a way of much mischief and danger, lest his Majesties conscience and judgement (upon which the whole course and frame of his *Government* do much depend) should be poysoned and infected with such wicked principles and designs: And this he hath endeavoured to doe, which by all *Lawes*, and in all *times* hath in this *Kingdome* beene reckonied

a *Crime of an high Nature.*

2. He labours to *interest* your Lordships in his *cause*, by alledging, It may be *dangerous* to your selves, and your *Posterity*, who by your *birth* are fittest to be near his Majesty, in places of *Trust* and *Authority*, if you should be subject to be *questioned* for *matters* delivered in *Counsell*. To this was answered, that it was *hoped* their Lordships would rather *labour* to secure themselves, and their posterity, in the exercise of their *vertues*, then of their *vices*, that so they might together with their own *honour* and *greatnesse*, preserve the *honour* and *greatnesse*, both of the *King* and *Kingdome*.

3. Another *excuse* was this, that whatsoever he hath *spoken* was out of a *good intention*; Sometimes *good* and *evill*, *truth* and *falshood* lie so near together, that they are hardly to be *distinguished*: *Matters hurtfull* and *dangerous* may be accompanied with such *circumstances* as may make it appeare usefull and convenient, and in all such *cases*, *good intentions* will justify *evill Counsell*; But where the

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matters propounded are *evill* in their own nature, such as the matters are wherewith the E. of Strafford is charged, to *break a publique faith*, to *subvert Laws and Government*, they can never be justified by any intentions, how specious, or good soever they be pretended.

4. He *alledgeth* it was a time of great necessity and danger, when such counsels were necessary for preservation of the State. Necessity hath been spoken of before, as it relates to the Cause; now it is considered as it relates to the Person; if there were any necessity, it was of his own making; he by his *evil* counsell had brought the King into a necessity, and by no Rules of *Iustice*, can be *allowed* to gain this advantage by his own fault, as to make that a *ground* of his justification, which is a great part of his offence.

5. He hath often *insinuated* this, That it was for his Majesties service in maintenance of that Sovereign Power with which he is *intrusted* by God for the good of his people. The Answer is this, No doubt but that Sovereign Power

Power wherewith his Majesty is *intrusted* for the publique good, hath many glorious *effects*, the better to inable him thereunto; But without doubt this is none of them, That by his own will he may lay any *Taxe* or *Imposition* upon his people without their consent in *Parliament*. This hath now been five times adjudged by both *Houses*: In the Case of the *Loanes*, In condemning the *Commission* of *Excise*, In the Resolution upon the *Saving* offered to be added to the *Petition* of *Right*, In the sentence against *Manwaring*, and now lately, In condemning the *Ship-money*; And if the Sovereigne Power of the King can produce no such *effect* as this, the *Allegation* of it is an Aggravation, and no Diminution of his offence, because thereby he doth labour to interest the King against the just grievance and complaint of the People.

6. This *Counsell* was propounded with divers *limitations*, and *Provisions*; for securing and repairing the *liberty* of the people. This implies a *contradiction* to maintain an *Arbitrary* & absolute Power, and yet to restrain it with

limitations, and provisions; for even those *limitations and provisions* will be subject to the same absolute *Power*, and to be dispensed in such manner, and at such time, as it self shall determine; let the *grievances and oppressions* be never so heavy, the *Subject* is left without all remedy, but at his Majesties own pleasure.

7. He alledgeth, they were but *words*, and no *effect* followed: This needs no answer, but that the *miserable distempers* into which he hath brought all the three Kingdomes, will be evidence sufficient that his wicked *Counsell*s have had such *mischievous* effects within these two or three last years, that many years peace will hardly repaire those losses, and other great mischiefs which the *Common-wealth* hath sustained.

These excuses have been collected out of the severall parts of his *Defence*; perchance some others are omitted, which I doubt not have been answered by some of my Col-
legues, and are of no importance, either to perplex or to hinder your Lordships judge-
ment,

ment, touching the hainousnesse of this Crime.

The ninth *Consideration* is this, That if this be *Treason*, in the nature of it, it doth exceed all other *Treasons* in this, That in the Design, and endeavour of the Author, it was to be a *constant* and a *permanent* *Treason*; other *Treasons* are transient, as being confinde within those particular *actions* and *proportions* wherein they did consist, and those being past, the *Treason* ceaseth.

The *Powder-Treason* was full of horror and malignity, yet it is past many years since; The murder of that *Magnanimous* and *glorious King*, *Henry the fourth* of *France*, was a great and horrid *Treason*; And so were those manifold attempts against *Qu. Elizabeth* of blessed memory; but they are long since past, the *Detestation* of them only remains in *Histories*, and in the *minds* of men; and will ever remain; But this *Treason*, if it had taken effect, was to be a standing, perpetuall *Treason*, which would have been in *continuell act*, not determined within one time or age, but transmitted to *Posterity*, even from *generation* to *generation*.

10.

The tenth *Consideration* is this, That as it is a Crime odious in the nature of it, so it is odious in the judgement and estimation of the *Law*; To alter the settled *frame* and *constitution* of *Government*, is *Treason* in any *estate*; The *Laws* whereby all other parts of a Kingdome are preserved, should be very vain and defective, if they had not a *power* to secure and preserve *themselves*.

The *forfeitures* inflicted for *Treason* by our *Law*, are of *Life*, *Honour*, and *Estate*, even all that can be *forfeited*, and this Prisoner having committed so many *Treasons*, although he should pay all these *forfeitures*, will be still a Debtor to the *Common-wealth*: Nothing can be more equall then that he should perish by the Justice of that *Law* which he would have subverted; Neither wil this be a new way of bloud; There are marks enough to trace this *Law* to the very originall of this Kingdome: And if it hath not been put in execution, as he alledgeth, this 240. years, it was not for want of *Law*, but that all that time hath not bred a man bold enough to commit such Crimes as these; which

which is a *circumstance* much aggravating his offence, and making him no whit lesse liable to punishment, because he is the onely man that in so long a time hath ventured upon such a *Treason* as this.

It belongs to the charge of another to make it appear to your Lordships, that the Crimes and Offences proved against the *Earle of Strafford*, are *High Treason* by the Lawes and Statutes of this Realm, whose learning and other abilities are much better for that service. But for the time and manner of performing this, we are to resort to the *Direction* of the *House of Commons*, having in this which is already done, dispatched all those instructions which wee have received; and concerning further proceedings, for clearing all Questions and Objections in Law, your Lordships will hear from the *House of Commons* in convenient time.

F I N I S.

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